Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

24 June 2014

Original: English

Maputo, 23 - 27 June 2014
Item 8 of the agenda
Informal presentation of requests submitted under Article 5 and of the analyses of these requests

Report on the analysis of requests for extensions to Article 5 deadlines, 2013-2014

Submitted by the President of the Thirteenth Meeting of the States Parties

1. In 2014, for the seventh consecutive year, the group of States Parties mandated to analyse requests submitted under Article 5 of the Convention carried out its work. In 2014, this group included the following States Parties in addition the President (H.E. Mr. Boudjemâa Delmi, Ambassador and Permanent Representative of Algeria to the United Nations, Geneva): Austria, Belgium, Costa Rica, Ecuador, Indonesia, Japan, Mozambique, New Zealand, Norway and Poland.

2. In 2014, requests for extended mine clearance deadlines were submitted by four States Parties: the Democratic Republic of the Congo, Eritrea, Yemen and Zimbabwe. In addition to these four States Parties, a fifth – Ethiopia – had indicated that it would submit a request. However, a request from Ethiopia was not received.

3. In carrying out its efforts in 2014, the States Parties mandated to analyse requests sought to apply, as relevant, the recommendations adopted at the Twelfth Meeting of the States Parties (12MSP) concerning ensuring that high quality requests continue to be submitted, that high quality analyses continue to be prepared, and that a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted.[1]

4. Recommendation #2, adopted at the 12MSP, states that "the extent of the past or present challenge should be expressed in requests in terms consistent with the language of the Convention (e.g., "areas in which anti-personnel mines are known to be emplaced", "areas in which anti-personnel mines are suspected to be emplaced", et cetera)." With respect to this recommendations, the analysing group highlighted the fact that the United Nations' International Mine Action Standards (IMAS) define "suspected hazardous area" as "an area where there is reasonable suspicion of mine/ERW contamination on the basis of

[1] See document APLC/MSP.12/2012/4.

indirect evidence of the presence of mines/ERW," and "confirmed hazardous area" as "an area where the presence of mine/ERW contamination has been confirmed on the basis of direct evidence of the presence of mines/ERW." The Analysing Group observed that it is still not clear whether what some States Parties report as "suspected hazardous areas" have in fact been defined as such in a manner consistent with the IMAS.

5. Recommendation #6, adopted at the 12MSP, states that "the States Parties should consider taking decisions on requests that call for both mid-term assessments of requesting State Parties' efforts to implement Article 5 and revised plans to be submitted three to five years after requests have been granted." Recommendation #12, states that "at both meetings of the Standing Committees and formal meetings/conferences, States Parties that have been granted extensions should be requested to provide updates on efforts to implement the plans contained in their requests," and that "such reports should clearly document progress and challenges relative to what it committed to achieve." Recommendation #13 states that "to assist States Parties that have been granted extensions in updating States Parties on their efforts, the analyses of requests and decisions taken on them should contain annual benchmarks on projected survey and clearance activities, planned allocation of financial and other resources, plus other actions such as development of new standards/policies, etc."

6. As concerns recommendations #6, #12 and #13, the analysing group noted, in each analysis, the importance, once requests have been granted, of the States Parties concerned reporting relative to specific, time-bound benchmarks for progress. In some instances in which milestones and annual benchmarks were not clearly provided and in which milestones and benchmarks will change once survey operations have been completed, the analysing group noted the importance of requesting States Parties submitting an updated work plan for the remaining period covered by the extension with the plan containing an updated list of all areas known or suspected to containing anti-personnel mines, annual projections of which areas and area that would be dealt with each year during the remaining period covered by the request and by which organisation, and a detailed budget.

7. Many of the recommendations adopted at the 12MSP concern making the analysis process as efficient and effective as possible for the States Parties mandated to prepare analyses. Recommendation #7 states that "the analysing group should continue to call for extensive expert input to draw out key technical, legal and policy issues in requests and to more generally enable the group to better understand and assess the requests." Recommendation #8 states that "the analysing group should call for expert input as soon as possible following the receipt of requests and, if additional information or revised requests are provided by requesting States Parties, the analysing group should consider again drawing upon expert organisations to provide views." In addition, Recommendation #10 states that "the analysing group should request that the Implementation Support Unit (ISU) follow-up with requesting States Parties immediately after requests have been received in order to address any information discrepancies and clarity challenges" and that "the pre-analysis efforts of the Co-Chairs of the Standing Committee on Mine Clearance should continue in an effort to immediately seek any additional information that may be required to make a complete analysis."

8. With respect to recommendations #7-#10, the ISU held a briefing for analysing group members to review the Convention's mine clearance obligations, the States Parties' understandings related to these obligations and the Article 5 extensions process. The ISU supported the Co-Chairs of the Standing Committee on Mine Clearance in seeking additional information from requesting States Parties to assist the analysis process. In addition, expert organizations were invited to provide input, with these organizations chosen on the basis that it is understood that they are the world's leading not-for-profit organisations with demining expertise, which both have widespread international experience and are active in and knowledgeable about the work of the Convention. The

analysing group was grateful that many organizations did provide input and was particularly thankful for the comprehensive manner in which the Gender and Mine Action Programme, the HALO Trust, the International Campaign to Ban Landmines and the International Committee of the Red Cross contributed their expertise to this process.

9. In keeping with past practice, the analysing group informally met with representatives of requesting States Parties on the margins of the April 2014 intersessional meetings. These informal meetings continued to be of great importance in terms of enabling the analysing group to better understand requests and fostering a cooperative environment between the analysing group and requesting States Parties. Additionally, the analysing group met with Ethiopia, which had indicated that it would need to request a deadline, but as noted, to date, has not submitted a request or indicated that it would be able to comply with its 2015 deadline.

10. The paper containing the recommendations on the Article 5 extensions process, which was adopted at the 12MSP stated that "supporting the work of the analysing group has, since 2008, been an increasingly important part of the work of the ISU" and that "ways and means (…) to increase the efficiency of the process point to additional demand being placed on the ISU." While the ISU can assist the analysing group in many ways, it should be recalled that the States Parties explicitly chose at the 7MSP to create a process for which they would ultimately be responsible. To continue to act in a manner consistent with the nature of the process established, the States Parties should continue to demonstrate ownership over the process.

11. The paper containing the recommendations on the Article 5 extensions process which was adopted at the 12MSP stated that "accelerating the analysis process is important in order to increase its efficiency" and that "analysis process should be completed by the end of September (assuming formal meetings/conferences take place the last week of November or first week of December) in order to comply with UN documentation demands", with, as noted, "the analysing group (aiming) to complete as much of its work as possible before July." As foreshadowed in the report on the analysis of requests for extensions to Article 5 deadlines submitted by the President of the Twelfth Meeting of the States Parties in 2013, the short period between the Thirteenth Meeting of the States Parties and the Third Review Conference significantly adversely affected the analysis process in 2014.

12. States Parties that had indicated that they would need to have requests considered at the Third Review Conference were asked to submit their requests by 15 December 2013 – more than three months earlier than has been the norm. This presented a significant challenge for each of the States Parties concerned and may have affected the quality of the requests. In addition, the short period of time between formal meetings meant that the Analysing Group was not able to complete its work until the eve of the Third Review Conference and was unable to engage in a dialogue with requesting States Parties to the extent to which has been the normal practice. The States Parties should consider adhering to a regular cycle for their meetings to ensure coherence between their aspirations for the analysis process and their ability to deliver on this aspiration.